

139 E. WARM SPRINGS RD.
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11 *ALBERTSONS, LLC*

12 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

13 DANIEL BUSHAR,
14 Plaintiff,

15 vs.

16 ALBERTSONS, LLC; DOE SECURITY
17 COMPANY; DOES I through XX, inclusive
18 and ROE BUSINESS ENTITIES I through
19 XX, inclusive,
20 Defendants.

CASE NO.: 2:24-cv-00804-CDS-MDC

21 **STIPULATION AND ORDER REGARDING AGREED PROTECTIVE ORDER**

22 COMES NOW, Defendant, ALBERTSONS, LLC, by and through its attorneys of record,
23 LEW BRANDON, JR., ESQ., JUSTIN SMERBER, ESQ., and KRISTEN MOLLOY, ESQ., of
24 BRANDON | SMERBER LAW FIRM and Plaintiff, DANIEL BUSHAR, by and through his
25 attorneys, RAMZY LADAH, ESQ. and MICHAEL NIXON, ESQ. of LADAH LAW FIRM and
26 request an Order as follows:
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1 Documents and information produced by Defendant, ALBERTSONS, LLC in response
2 to other parties' Request for Interrogatories and Request for Production of Documents may be
3 designated as confidential and shall be treated thereafter as confidential by the parties, and such
4 confidential documents and information contained therein shall be used solely for the prosecution
5 or defense of this litigation. Defendant, ALBERTSONS, LLC may designate documents as
6 confidential and subject to the terms of this Protective Order by placing an appropriate stamp on
7 the face of the document appropriately indicating that such document has been designated
8 confidential and subject to the terms of this Protective Order.
9

10 "Confidential information," as used herein, means any information of any type, kind or
11 character which is designated as "confidential" or "proprietary" by any of the supplying or
12 receiving parties, whether it be a document, information contained in a document, information
13 revealed during a deposition, information revealed in an Interrogatory answer or otherwise. In
14 designating information as "confidential" or "proprietary," a party will make such designation
15 only as to that information that it in good faith believes contains confidential information,
16 including, but not limited to: (a) ALBERTSONS, LLC'S policies and procedures, manuals,
17 handbooks, and training materials; (b) any of ALBERTSONS, LLC'S safety operations, security
18 operations, or surveillance operations information that may be produced; and (c) any employees'
19 information that may be produced.
20

21 Such confidential documents and information may be disclosed only to the following
22 persons: (a) parties to this litigation; (b) counsel for the parties and persons regularly employed
23 in the offices of counsel for the parties; (c) outside experts or professional advisors retained by a
24 party to assist in the prosecution or defense in the case and persons regularly employed in the
25 offices of such outside experts and professional advisors; (d) court personnel, deponents and court
26 reporters/videographers; provided, however, that prior to such disclosure to the persons described
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1 in clause (a) and (c) above, counsel shall furnish a copy of this Protective Order to such person
2 and obtain the written agreement of such person to be bound by the terms of this Protective Order.
3 The requirement of obtaining such a written agreement may be satisfied by obtaining the signature
4 of any such person at the foot of a copy of this Order.
5

6 Neither the entry of this order, nor anything in this order, shall constitute an admission,
7 agreement, finding or ruling that the confidential information is or is not subject to discovery, or
8 is or is not admissible as evidence in this case, or is or is not confidential, proprietary and/or a
9 trade secret. Neither the entry of this order, nor anything in this order shall diminish, eliminate,
10 or otherwise affect any claim or position that any party may assert, or has asserted, in this case.
11 The designation of the confidential information in this order as confidential shall have no meaning
12 or effect whatsoever with respect to the substantive issues in this litigation and with respect to the
13 claims or defenses of any party hereto and shall not be construed as an admission or agreement
14 that the confidential information or any information or materials are or are not confidential,
15 proprietary and/or a trade secret. If ALBERTSONS, LLC designates a document as confidential
16 or proprietary and another party believes that said document is not entitled to such protection,
17 then that other party shall notify Defendant in writing of that party's objection. ALBERTSONS,
18 LLC will then have thirty (30) days to file a Motion for Protection with regards to said document.
19 The burden of seeking protection with regards to the challenged document will remain with
20 Defendant, ALBERTSONS, LLC. However, the protections afforded to the document under the
21 Protective Order will remain in place until the Discovery Commissioner and/or a Court make a
22 ruling with regards to what protection the challenged document is entitled to under the law.
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Nothing contained in this Protective Order shall preclude Defendant, ALBERTSONS, LLC from using its own confidential documents or information in any manner they see fit, or from reviewing such confidential documents or information to whomever they choose, without the prior consent of any other party or of this Court.

DATED this 17th day of September 2024.

DATED this 17th day of September 2024.

BRANDON | SMERBER LAW FIRM

LADAH LAW FIRM

/s/ Kristen Molloy, Esq.
LEW BRANDON, JR., ESQ.

Nevada Bar No. 5880
JUSTIN SMERBER, ESQ.

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MICHAEL T. NIXON, ESQ.

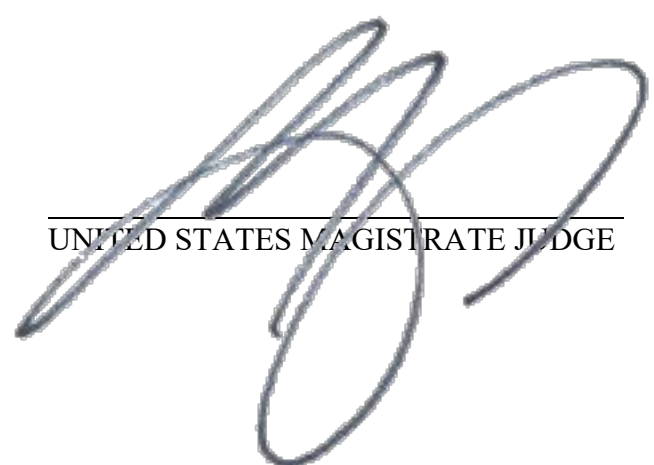
Nevada Bar No. 012839
517 South Third Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff,
DANIEL BUSHAR

ORDER

IT IS SO ORDERED: Denied with leave to refile a stipulation addressing filing procedures for “Confidential Information,” which comport with Fed. R. Civ. P. 5.2 and LR IA 10-5, and the requirements of Kamakana v. City & Cnty. of Honolulu, 447 F.3d 1172 (9th Cir. 2006) and its progeny.

UNITED STATES MAGISTRATE JUDGE

Dated 09-18-24



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